

IN THE CIRCUIT COURT FOR HAMILTON COUNTY TENNESSEE

LINDA DEMARINIS

Plaintiff,

v.

FOOT LOCKER RETAIL, INC.
d/b/a CHAMPS SPORTS

Defendants.

Docket No. 17c955

Division: _____

Jury Demand _____

COMPLAINT

Plaintiff, Linda DeMarinis, ("Ms. DeMarinis" herein), for her cause of action against the Defendants, respectfully shows the Court as follows:

1. Plaintiff is a citizen and resident of Hamilton County, Tennessee and resides at 4113 Villa Green Court, Chattanooga, Tennessee, 37416.
2. The Defendant, Foot Locker Retail, Inc., d/b/a Champs Sports is a corporation organized and existing under the laws of the state of New York and with a physical presence and place of business at Hamilton Place Mall, Chattanooga, Tennessee. Foot Locker Retail, Inc., d/b/a Champs Sports is amenable to service of process through its registered agent for service of process, C. T. Corporation System, 800 South Gay Street, Suite 2021, Knoxville, Tennessee, 37929-9710.
3. This is a complaint for personal injuries suffered by Linda DeMarinis on January 21, 2017 at Hamilton Place Mall located at 2100 Hamilton Place, Chattanooga, Tennessee, 37421 ("property").
4. Upon information and belief, on January 21, 2017, Defendants employees were transporting clothes racks back and forth in an effort to relocate within the mall.

5. The required method pursuant to their lease agreement, and the safest method for the patrons of the mall, was to use the service elevators.

6. Without regard for the requirements under the lease agreement or the safety of patrons of the mall, certain employees of the Defendant chose to transport the racks on escalators thereby endangering patrons of the mall.

7. While Ms. DeMarinis was ascending the escalator, an employee of the Defendant mishandled a clothing rack and permitted it to fall directly onto Ms. DeMarinis.

8. The Defendant employee was aware of Ms. DeMarinis' presence behind him.

9. At all times material, Ms. DeMarinis exercised ordinary care for her own safety.

10. As a result of the Defendant's negligence, Ms. DeMarinis suffered serious and painful injuries.

11. Ms. DeMarinis's injuries and damages were directly and proximately caused by the Defendant's negligence and/or the negligence of the Defendants' employees, agents, and/or representatives. The Defendant is vicariously liable for the acts and omissions of its employees, agents, and/or representatives.

12. As a direct and proximate result of the negligence and/or recklessness of the Defendant, Ms. DeMarinis suffered damages, including, but not limited to, physical pain and suffering, mental anguish, emotional distress, and a diminished capacity for enjoyment of life.

13. Ms. DeMarinis has incurred medical expenses and will continue to incur such expenses in the future.

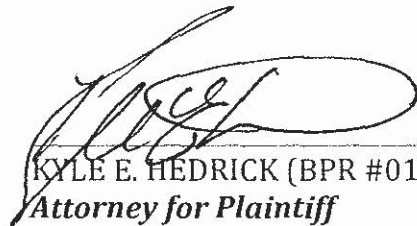
14. Defendant is 100% at fault for Plaintiff's damages and harms as a result of its negligence and the negligent acts of its employees.

WHEREFORE, Ms. DeMarinis, demands judgment as follows:

- a. That Ms. DeMarinis be awarded a judgment against the Defendant for medical expenses, loss of the ability to enjoy life, permanent pain and suffering in an amount sufficient to fully compensate her.
- b. That all costs, including discretionary costs, be adjudged against the Defendant;
- c. That a jury be impaneled to try the issues so triable; and
- d. That Ms. DeMarinis have such other and further relief, as the Court deems just and appropriate.

Respectfully submitted by,

RAMER & HEDRICK, P.C.



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